

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

NICOLE MILLER BOYD	:	CAFN:
	:	JURY TRIAL DEMANDED
PLAINTIFF,	:	
	:	
Vs.	:	
	:	
DIALYSIS CLINIC, INC.	:	
	:	
DEFENDANTS.	:	

**COMPLAINT FOR DAMAGES**

Jury Trial Demanded

COMES NOW, Plaintiff and shows this Honorable Court the following:

1.

Plaintiff is a resident of the state of Georgia and Defendant Dialysis Clinic, Inc. (hereinafter referred to as Dialysis Clinic) is a corporation organized and existing under the laws of a state other than the state of Georgia.

Jurisdiction is founded upon Diversity of Citizenship and Jurisdictional Amount as the amount in controversy exceeds, exclusive of costs and interest, the sum of \$75,000.00.

Venue is appropriate in the Albany Division of the Middle District of Georgia as Defendant maintains places of business therein and Plaintiff's cause of action arose therein.

2.

At all times pertinent hereto Defendant Dialysis Clinic operated a number of dialysis clinics in southwest Georgia including a clinic in Leesburg, Georgia and a clinic in Sylvester, Georgia.

3.

For several years prior to the incident giving rise to Plaintiff's Complaint the Plaintiff had been a patient at Defendant Dialysis Clinic's facility in Sylvester, Georgia.

4.

On September 8, 2017 Plaintiff injured her right ankle and on September 15, 2017 Plaintiff underwent ankle surgery for a fixation of a right bimalleolar ankle fracture.

5.

Because of the suspicion of an infection, Plaintiff received the antibiotic "Vancomycin" IV while hospitalized and in order that the IV Vancomycin be continued for a period of four (4) weeks and administered during dialysis.

6.

Appropriate orders were entered by Plaintiff's physician that IV Vancomycin be continued for a period of four (4) weeks and administered during dialysis. Those orders were sent to Defendant's Sylvester, Georgia facility.

7.

At or around the time of her hospitalization Plaintiff had transferred her dialysis treatment from Defendant's Sylvester, Georgia facility to Defendant's Leesburg, Georgia facility. Personnel at the Sylvester, Georgia facility transferred Plaintiff's records to the Leesburg Dialysis facility.

8.

Personnel at Defendant's Sylvester, Georgia facility received the order which Plaintiff's physician had entered for Vancomycin IV to be administered during dialysis but negligently failed to forward the order to their Leesburg, Georgia facility where Plaintiff was receiving dialysis subsequent to her discharge from Phoebe Putney Memorial Hospital.

9.

Plaintiff's Complaint sounds in ordinary negligence. The failure of the agents and employees of Defendant's Sylvester facility to forward the order

for Vancomycin IV to Defendant's Leesburg facility is ordinary negligence in that it does not require the exercise of medical judgment.

10.

As a proximate result of the failure of the agents and employees of Defendant Dialysis Clinic to forward the order of Plaintiff's physician to administer IV Vancomycin during dialysis resulted in Plaintiff failing to receive vital medications as ordered for a period of approximately three (3) weeks.

11.

As a proximate result of the negligence of the agents and employees of Defendant Dialysis Clinic as alleged hereinabove the infection in Plaintiff's right foot and ankle progressed to the point that a below knee amputation of Plaintiff's right leg was required.

12.

As a proximate result of the ordinary negligence of the agents and employees of Defendant Dialysis Clinic as alleged hereinabove Plaintiff has been rendered permanently physically disabled and has suffered great pain of both body and mind and will continue to suffer into the future as a result of the loss of her right leg.

WHEREFORE, Plaintiff respectfully demands judgment in the amount of one million dollars (\$1,000,000.00) against Defendant Dialysis Clinic, Inc. together with costs of this action and such other and further relief as is appropriate.

Additionally, Plaintiff demands a jury trial of all issues.

Respectfully submitted,

Del Percilla, Jr.

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